

POSITION DESCRIPTION (Please Read Instructions on the Back)

2. Reason for Submission <input type="checkbox"/> Redescription <input checked="" type="checkbox"/> New <input type="checkbox"/> Reestablishment <input type="checkbox"/> Other		3. Service <input type="checkbox"/> Hdqtrs. <input checked="" type="checkbox"/> Field		4. Employing Office Location Orlando, FL		5. Duty Station Orlando, FL		1. Agency Position No. NL11673	
Explanation (Show any positions replaced)		7. Fair Labor Standards Act <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt		8. Financial Statements Required <input type="checkbox"/> Executive Personnel Financial Disclosure <input checked="" type="checkbox"/> Employment and Financial Interests		9. Subject to IA Action <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		6. OPM Certification No.	
		10. Position Status <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Excepted (Specify in Remarks) SES (Gen.) <input type="checkbox"/> SES (CR)		11. Position is: <input type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input checked="" type="checkbox"/> Neither		12. Sensitivity <input type="checkbox"/> 1 - Non-Sensitive <input type="checkbox"/> 3 - Critical Sensitive <input checked="" type="checkbox"/> 2 - Noncritical Sensitive <input type="checkbox"/> 4 - Special Sensitive		13. Competitive Level Code 1406	
								14. Agency Use	

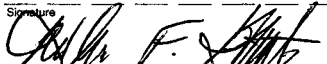
Replaces PD # NL10532

15. Classified/Graded by	Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date
a. U.S. Office of Personnel Management						
b. Department, Agency or Establishment						
c. Second Level Review						
d. First Level Review	Attorney-Advisor	GS	0905	14		
e. Recommended by Supervisor or Initiating Office						
16. Organizational Title of Position (if different from official title)		17. Name of Employee (if vacant, specify)				

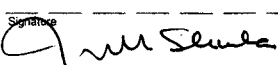
18. Department, Agency, or Establishment Department of the Army (DA)		c. Third Subdivision Office of the Commander (C)	
a. First Subdivision Army Materiel Command (AMC)		d. Fourth Subdivision Legal Services Office (CL)	
b. Second Subdivision Simulation, Training and Instrumentation Command (STRICOM)		e. Fifth Subdivision	
19. Employee review - This is an accurate description of the major duties and responsibilities of my position.		Signature of Employee (optional)	

20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor Harlan F. Gottlieb, Chief Counsel	b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)
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Signature 	Date 2-28-00	Signature	Date
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21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.	22. Position Classification Standards Used in Classifying/Grading Position USOPM PCS General Attorney Series, Oct 59
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Typed Name and Title of Official Taking Action JAMES M. SKURKA, DEPUTY TO THE COMMANDER		Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.	
Signature 	Date 29 Feb 00		

23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee (optional)										
b. Supervisor										
c. Classifier										
24. Remarks										

INTRODUCTION

Serves as General Attorney in the Office of the Chief Counsel for the Simulation, Training, and Instrumentation Command (STRICOM). Incumbent serves as STRICOM Labor Counselor and Employment Law Trial Attorney. Represents the command in third-party administrative, quasi-judicial, and judicial proceedings on civilian personnel, labor relations, and equal employment law issues, including matters arising from the civil service system, employment discrimination and various labor issues. Further, incumbent is responsible for attorney advisor duties including providing advice as an Ethics Counselor and Contracts Attorney. As such performs a variety of legal duties as assigned by the Chief Counsel to include:

MAJOR DUTIES

1. TRIAL ATTORNEY DUTIES

Represents STRICOM as trial attorney for civilian personnel, labor relations, and equal employment opportunity litigation cases arising within STRICOM, cases that could establish command and department-wide precedent. The Merit Systems Protection Board, the Federal Labor Relations Authority, the Equal Employment Opportunity Commission, federal arbitrators, the Department of Defense Office of Complaints Investigation, and other investigative or administrative bodies hear such cases. Cases frequently involve difficult legal issues or factual questions, for which clearly applicable precedents may not exist because of the unique issue or complexity of the facts. The complexity of cases is often made more difficult as a result of overlap in several areas of the law. Due to the high level and rank of the organizational personnel serviced, many cases routinely become extremely sensitive and require special handling and consideration.

Incumbent establishes case strategy and tactics; prepares pre-hearing motions and petitions; identifies relevant witnesses and documents via discovery procedures, including interrogatories and depositions. Conducts research in connection with pending cases, and analyzes factual and legal issues. Conducts pre-hearing examination of witnesses. Prepares legal memoranda in connection with hearings. Participates in pre-hearing conferences and presents the agency's case in administrative hearings and other judicial proceedings. Examines and cross-examines witnesses during hearings; presents opening and closing statements and makes legal

arguments in support of the agency's position. Attorney is solely responsible for all decisions regarding tactics and theory of the case. Prepares post-hearing briefs, appeals, or responses. Has independent authority to establish methodology of case and handling of the case; coordinates as necessary and required with key management officials, opposing counsel, hearing officials, and administrative judges. Advises supervisors and key management officials as to whether a case should be tried or settled and provides supervisors and key management officials progress reports throughout the administrative and judicial process as requested and as necessary. Conducts settlement negotiations for management with opposing counsel, drafts settlement agreements, coordinates with commanders and directors on the meaning of settlement, and executes settlement agreements for the agency as the STRICOM representative after approval by appropriate authority.

Represents STRICOM in determining whether adverse litigation decisions should be appealed, most often requiring that the incumbent persuade STRICOM, DA, DOD, the Office of Personnel Management, or the Department of Justice to appeal the decision deemed unacceptable to the agency. Acts as the STRICOM representative responsible for appeal preparation or presentation of the STRICOM position.

Also, assists the Navy Office of Counsel, as necessary in representing the Government before the General Accounting Office (GAO) and the Contract Appeal Boards.

35%

2. ATTORNEY ADVISOR DUTIES

a. **CONTRACTS:** Reviews and analyzes legislation, case law and regulatory developments pertaining to Federal acquisitions. Prepares memoranda or reports analyzing facts and issues, explaining the application of Federal, State and local laws affecting the Command's multi-million dollar procurement activity. Assists, as necessary, the Navy Office of Counsel in reviewing solicitations, awards, contract terminations and other acquisition matters. Recommends appropriate legally sufficient actions to facilitate successful accomplishment of STRICOM missions. Provides legal counsel on a variety of complex administrative legal issues related to STRICOM acquisitions and that affect the Command's mission.

b. **ETHICS:** As an Ethics Counselor for STRICOM provides 30%
advice regarding standards of conduct, conflicts of interest,
and conduct of the Command Ethics Program. Advises STRICOM
managers, supervisors and employees on the Standards of
Conduct and prohibited conflicts of interest set forth in the
Ethics in Government Act, and other ethics statutes. Renders
legal opinions involving allegations and investigations of
conflicts of interest and recommends appropriate corrective
action. Reports to the Chief Counsel all sensitive ethics
issues and complex policy matters brought to the Attorney
Advisor's attention. Reviews sensitive financial disclosure
reports and resolves actual and apparent conflicts of
interest. Monitors and periodically evaluates the Command's
financial disclosure reporting system to ensure timely filing,
review of all reports and resolution of actual and apparent
conflicts of interest.

c. **LABOR:** Provides oral and written advice and technical 20%
legal guidance to key STRICOM officials concerning all aspects
of the law of federal employment and federal labor-management
relations, including adverse actions, performance management,
equal employment opportunity issues, and labor relations
matters. Reviews all aspects of the innovative Personnel Lab
Demonstration Project and provides advice relative to the
entire program as it commences.

15%
Performs other duties as assigned.

FACTOR 1 - KNOWLEDGE REQUIRED BY THE POSITION

Incumbent must be a fully qualified attorney admitted to practice before the highest court of a state, D.C., a territory, or before a federal court. He/she must have extensive knowledge of the myriad federal statutes and regulations in the area of government contract law, civilian personnel law, the Freedom of Information Act, the Privacy Act, the Standards of Conduct for federal employees, and the regulations implementing these laws. He/she must have an extensive knowledge of the decisions rendered by many diverse courts and administrative bodies, particularly those of the Court of Appeals for the Federal Circuit, the ASBCA (and other Boards of Contract Appeals), the MSPB, EEOC and FLRA, and the General Accounting Office (Comptroller General). Incumbent must be able to prepare and argue the most complex/sensitive cases before the Federal Courts as delegated by the Department of Justice and administrative authorities, such as ASBCA, MSPB, EEOC and FLRA. In this regard, incumbent must be skilled advocate with a thorough and complete knowledge of the Federal Rules of Evidence, the Federal Rules of Civil Procedure, and the rules of the forum hearing the case.

Incumbent must have as comprehensive knowledge of the functions, relationships, and methods of operation of the various divisions of the Department of the Army and of its field activities. Incumbent must have knowledge of personnel and management procedures, practices and techniques, and must possess the ability to persuade others to initiate changes in programs or procedures when the legality of prior procedures is questionable.

FACTOR 2 - SUPERVISORY CONTROLS

Incumbent serves under the general supervision of the General Counsel. Incumbent is responsible for determining which matters are of such importance or delicacy as to call for supervisory clearance prior to the release of the advice proposed to be given. As assigned, and with the guidance of Counsel, incumbent conducts the investigation or negotiation; plans the approach, develops the completed decision, report, brief, opinion, contract, or other product; or represents STRICOM's official view at a conference, Congressional or other meeting or hearing, or trial where a hearing is involved.

FACTOR 3 - GUIDELINES

Guidelines employed in incumbent's decision-making process include policies, statutes, Federal regulations, Comptroller General Decisions, MSPB and EEOC decisions, judicial decisions, and numerous treatises. In many cases, these guidelines are not directly applicable due to the complexity of the legal issues involved and/or the novelty of the issue. The incumbent must interpret intent, develop unique arguments not covered by precedent, and resolve seemingly conflicting guidance in order to properly resolve the problems presented.

FACTOR 4 - COMPLEXITY

Incumbent is responsible for providing legal advice, conducting legal research, negotiating with contractors and their lawyers, preparing for and trying cases, etc. Incumbent must consider a variety of complex legal questions involved with contracts, civilian personnel, bankruptcy, patent and copyright, and commercial law. Incumbent must make legal decisions involving federal statutes and regulations. Decisions also require a highly involved interplay of rules, judicial decision, and seasoned judgment.

FACTOR 5 - SCOPE AND EFFECT

Decisions made by the incumbent on matters such as contracts legal issues may, in major cases, affect the financial position of major private corporations, which in turn may affect the stability of various regions of the country. Some decisions set precedents, which may affect numerous future or existing contracts DOD wide.

FACTOR 6 - PERSONAL CONTACTS

Incumbent provides legal advice at all echelons of the activities serviced and communicates with Department of Defense personnel throughout the United States including a variety of personnel at higher command echelons. He/she communicates routinely with senior management of corporations/contractors and their legal representatives. Incumbent confers often with other attorneys in the Office of the General Counsel and in the Justice Department. Incumbent may be required to meet with Congressional staff members, representatives of foreign governments or corporations, local government officials, etc.

FACTOR 7 - PURPOSE OF CONTACTS

Contacts with personnel from high Army echelons and other agencies are conducted for giving or exchanging information, resolving problems, rendering advice, making recommendations, trying cases, etc. Contacts with corporations/contractors and representatives are conducted to exchange information, resolving problems, justifying, defending, negotiating or settling differences, both in a business atmosphere and in legal context. Discussions with such persons may preclude the ultimate reliance on formal legal proceedings. Contacts with U.S. Congressional staff members are for the purpose of exchanging information or resolving problems. Persons contacted may be unreceptive or even hostile to the incumbent's legal position. Controversy is usually encountered and solutions are developed.

FACTOR 8 - PHYSICAL DEMANDS

Work is essentially of a sedentary nature although some travel may be required. Intense mental concentration is often required in the incumbent's decision making process. The writing of briefs, preparation of cases, and trial of cases require this concentration to be exerted over lengthy periods of time. Incumbent must also have the necessary mental resiliency to shift thoughts quickly through the gamut of problems presented.

FACTOR 9 - WORK ENVIRONMENT

The majority of the incumbent's work is accomplished in the legal office. Hearings before the General Accounting Office, and other bodies such as the EEOC or MSPB usually require travel. Meetings with contractors or others may require travel to various areas of the U.S. and overseas.

CRITICAL ACQUISITION POSITION AMENDMENT TO PD# NL 11673

"This is a Critical Acquisition Position. Unless specifically waived by the appropriate Army official, the following are statutory requirements (Reference: 10 U.S.C. 1733 - 1737):

- Selectee must be qualified for Acquisition Corps membership at the time of selection or possess a waiver.

- Selectee must execute, as a condition of appointment, a written agreement to remain in federal service in this position for at least 3 years. In signing such an agreement, the employee does not forfeit any employment rights, nor does such an agreement alter any other terms or conditions of employment."